

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

TEXT ADS AND MARKETING LLC	:	
	:	CIVIL ACTION
<i>Plaintiff</i>	:	
	:	NO. 24-cv-1468
v.	:	
	:	
JOHN C. RAFFERTY, JR., et al.	:	
	:	
<i>Defendants</i>	:	

STIPULATION OF DISMISSAL

1. Text Ads and Marketing, LLC (“Text Ads”) brought this First Amendment action against the Board Chair of the Disciplinary Board of the Supreme Court of Pennsylvania, the Board Vice-Chair of the Disciplinary Board of the Supreme Court of Pennsylvania, ten members of the Disciplinary Board of the Supreme Court of Pennsylvania, Chief Disciplinary Counsel of the Office of Disciplinary Counsel, and Deputy Chief Disciplinary Counsel of the Office of Disciplinary Counsel, in their official capacities, alleging that Rule 7.3(b) comment [2] of Pennsylvania’s Rules of Professional Conduct is unconstitutional, and seeking to enjoin Defendants from enforcing the portion that includes text messaging within the prohibition against “live person-to-person” solicitation.”

2. After a period of discovery and review of Text Ads and Marketing, LLC’s services, Defendants provided Plaintiff the Declaration of Thomas J. Farrell, Chief Counsel of the Office of Disciplinary Counsel, attached as Exhibit “A.”

3. The Declaration explains that the Office of Disciplinary Counsel does not interpret Rule 7.3(b)’s prohibition on live person-to-person text message solicitation as applicable to Text Ads and Marketing’s current service model.

4. In light of this position and pursuant to the provisions of Fed. R. Civ. P.

41(a)(1)(A)(ii), it is hereby STIPULATED AND AGREED by and between Plaintiff, Text Ads and Marketing, LLC and Defendants, by and through their respective counsel, that the above-captioned matter be and hereby is DISMISSED, with prejudice.

May 7, 2025

/s/Paul A. Luvara

Paul A. Luvara, Esq.

PA ID No. 331040

Direct: (412) 440-5224

pluvara@luvaralaw.com

Counsel for Plaintiff

Respectfully submitted,

/s/Nicole Feigenbaum

NICOLE FEIGENBAUM, ESQUIRE

Attorney I.D. PA319765

MEGAN MALLEK, ESQUIRE

Attorney I.D. PA312341

Administrative Office of PA Courts

1515 Market Street, Suite 1414

Philadelphia, PA 19102

legaldepartment@pacourts.us

(215) 560-6326, Fax: (215) 560-5486

Counsel for all Defendants